

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

<b>Raymond Chabert, Quintal Montana</b>	)	
<b>Invest, LLC, Jean-Yves Derault, Jean</b>	)	
<b>Pierre Dessaint, Gabriel &amp; Dessaint,</b>	)	
<b>LLC, Thierry Dutheil, Thysolau, LLC,</b>	)	
<b>Eric Gabriel, Jean-Claude Jacquet,</b>	)	
<b>Marcus, LLC, Luc-Oliver Laleve, Jean-</b>	)	<b>CASE NO. 1:16-CV-293</b>
<b>Louis Pepin, Ernard Perrotte, Berjo</b>	)	
<b>Montana, LLC, Stephanie Perrotte,</b>	)	
<b>Knet, LLC, Pierre Thuillier, PLTH</b>	)	
<b>Dakota, LLC, and PLTH Montana,</b>	)	
<b>LLC,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>Michael Francois Bujaldon, VM Invest,</b>	)	
<b>LLC, JMI IMMO Invest, LLC, and Big3</b>	)	
<b>Property, LLC,</b>	)	
	)	
<b>Defendants.</b>	)	

---

**SCEDULING/DISCOVERY PLAN**

Pursuant to Rule 26(f), counsel for the parties certify that on June 14, 2018 they conferred in person or by telephone person to discuss the nature and basis of their clients' claims and defenses, the possibilities for a prompt settlement or resolution of the case, and a proposed discovery plan. After conferring, counsel for the parties have agreed upon the following [indicate any areas of disagreement and the position of each party as to the areas of disagreement]:

1. The parties shall make by September 1, 2018 Rule 26(a)(1) disclosures as follows in accord with Rule 26(a)(1).
  2. The issues on which the parties need to conduct discovery are:
    - a. Relationship between Big 3 and other Defendants;
    - b. Reliance by Plaintiffs on Big 3 in their decision to buy the securities asserted in their complaint; and
    - c. Other matters associated with the claims asserted in Plaintiffs' complaint and any defenses in Defendant's answer.
  3. The parties shall have until March 1, 2019 to complete fact discovery and to file discovery motions.
  4. The parties shall provide the names of expert witnesses and complete reports under Rule 26(a)(2) as follows:
    - a. Plaintiffs by April 1, 2019
    - b. Defendants by May 1, 2019
    - c. Plaintiffs Rebuttal by May 20, 2019
  5. The parties shall have until July 15, 2019 to complete discovery depositions of expert witnesses.
  6. The parties shall have until November 1, 2018 to move to join additional parties.
  7. The parties shall have until October 1, 2018 to move to amend pleadings to add claims or defenses, except for claims for punitive damages for which the deadline shall be February 1, 2019.

8. The parties shall have until November 1, 2018 to file other nondispositive motions (e.g., consolidation, bifurcation).
9. The parties shall have until December 1, 2018 to file threshold. N/A
10. The parties shall have until August 1, 2019 to file other dispositive motions.
11. Each party shall serve no more than 25 interrogatories, including subparts.  
No broad contention interrogatories.
12. Each side shall take no more than 10 discovery depositions.
13. Depositions taken for presentation at trial shall be completed 30 days before trial.
14. Counsel have discussed between themselves and explored with their client's early involvement in alternative dispute resolution. The following option(s) would be appropriate in this case:

**arbitration**

**mediation** (choose one):

private mediator

court-hosted early settlement conference-should the conference be held before a judge who will not be the trial judge?

yes

doesn't matter

**early neutral evaluation** before (choose one):

judge other than trial judge

neutral technical expert

neutral attorney

other (specify) \_\_\_\_\_

none (explain reasons) \_\_\_\_\_.

The parties shall be ready to evaluate the case for settlement purposes by July 13, 2018 and request that the Court schedule a settlement conference on or as close to that date as possible. (If an ADR option other than a court-hosted settlement conference is chosen, counsel shall designate one of themselves to report back to the magistrate judge that the ADR effort was completed and whether or not it was successful). The court reminds the parties that early involvement in ADR is voluntary, not mandatory. Participation in ADR is encouraged by the court but is not required except for a settlement conference shortly before trial.

15. A mid-discovery status conference would be helpful in this case. An appropriate time for the conference would be October 2018.
16. The parties will not voluntarily waive their rights to proceed before a district judge and consent to have a magistrate judge conduct any and all further proceedings in the case, including the trial, and order the entry of a final judgment.
17. Trial of this case will be jury.
18. The estimated length of trial is 8 days.

SCHNEIDER, SCHNEIDER & SCHNEIDER

/s/ Mac Schneider

Mac J. Schneider  
815 3<sup>rd</sup> Ave. S.  
Fargo, ND 58103  
Telephone: (701) 235-4481  
Facsimile: (701) 235-1107  
E-Mail: [mac@schniederlawfirm.com](mailto:mac@schniederlawfirm.com)

ROSCA LAW LLC  
Alan L. Rosca (*pro hac vice*)  
Hanna Building, Suite 1610  
1422 Euclid Avenue  
Cleveland, OH 44115  
E-Mail: [arosca@rosocalaw.com](mailto:arosca@rosocalaw.com)

PEIFFER, WOLF,  
ABDULLAH, CARR & KANE  
A PROFESSIONAL LAW CORPORATION  
James P. Booker (*pro hac vice*)  
1422 Euclid Avenue, Suite 1610  
Cleveland, Ohio 44115  
Telephone: (216) 570-0097  
Facsimile: (888) 411-0038  
E-Mail: [jbooker@prwlegal.com](mailto:jbooker@prwlegal.com)

SHINDLER ANDERSON GOPLERUD & WEESE,  
P.C.  
J. Barton Goplerud (*pro hac vice*)  
Brian O. Marty (*pro hac vice*)  
5015 Grand Ridge Drive, Suite 100  
West Des Moines, Iowa 50265  
Telephone: (515) 223-4567  
Facsimile: (515) 2223-8887  
E-Mail: [goplerud@sagwlaw.com](mailto:goplerud@sagwlaw.com)  
[marty@sagwlaw.com](mailto:marty@sagwlaw.com)

*Counsel for Plaintiffs*

*/s/ Michael S. Raum*

---

Michael S. Raum #05676  
Elizabeth L. Alvine #07460  
**FREDRIKSON & BYRON, P.A.**  
51 Broadway, Suite 400  
Fargo, ND 58102-4991  
Telephone: (701) 237-8200  
mraum@fredlaw.com  
ealvine@fredlaw.com

*Attorneys for Big3 Property, LLC*

**ORDER**

The court **ADOPTS** the parties scheduling and discovery plan without any additions or modifications.

**IT IS SO ORDERED.**

Dated this 18th day of June, 2018.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr., Magistrate Judge  
United States District Court